

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"Express Mail" Mailing Label No. EL 341 554 679 US; Date of Deposit: August 3, 1999

I hereby certify that this paper or fee is being deposited with the United States Postal Services "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Box PCT, Assistant Commissioner for Patents, ATTN: International Division, Legal Staff, Washington, D.C. 20231

Linda Faye

(Typed Name and Signature of Person Mailing Paper or Fee)

PATENT
Attorney Docket No. 16286-702

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Robert John Mabbott)	Legal Examiner: Unassigned
)	
Application No. : 08/716,360)	Group Art Unit: PCT Legal Office
)	
Based on PCT/GB95/00601 (17.03.95))	
)	
US Filing Date: 17 September 1996)	
)	
For: TRANSFER MATERIALS)	

Response to Decision on Petitions

Assistant Commissioner for Patents
Box PCT
ATTN: International Division, Legal Staff
Washington, D.C. 20231

Dear Sir:

In response to the *Decision on Petitions* dated 4 February 1999, applicant herewith submits the *Declaration of Facts in Support of Filing Resulting From Unavailability of Inventor of Roger Bruce Thomson and a Petition for Extension of Time*.

In the Decision, the Legal Examiner indicates that (1) a substitute declaration must be submitted which indicates the title of the person signing, and (2) additional evidence should be submitted to establish unavailability of the inventor.

In response to the Decision on Petition, applicant herewith submits (1) a substitute declaration indicating the title (Director) of the person signing (Alan B. Porter); and (2) a supplementary declaration of Alan Brian Porter describing efforts made to locate the inventor including copies of documentary evidence. As can be seen from the declaration, an extensive effort was made to locate the inventor and there is reason to believe that he purposely concealed his whereabouts.

In view of the foregoing, it is believed that a proper declaration has now been submitted and the petition is in condition to be granted. Acceptance of the declaration and grant of the petition is hereby respectfully requested.

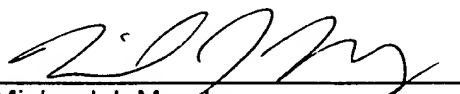
Application No. 08/716,360
Attorney Docket No. 16286.702
Page 2

The Commissioner is hereby authorized to charge any fees that may be required by this paper, and to credit any overpayment, to Deposit Account No. 23-2415 (Our Docket No. 16286.702). A duplicate of this paper is enclosed.

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI

By

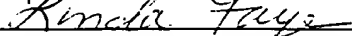

Michael J. Murphy
Registration No. 37,404

650 Page Mill Road
Palo Alto, CA 94304-1050
(650) 493-9300

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"Express Mail" Mailing Label No. EL 341 554 679 US; Date of Deposit: August 3, 1999

I hereby certify that this paper or fee is being deposited with the United States Postal Services "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Box PCT, Assistant Commissioner for Patents, ATTN: International Division Legal Staff, Washington, D.C. 20231

Linda Faye 
(Typed Name and Signature of Person Mailing Paper or Fee)

PATENT
Attorney Docket No. 16286-702

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Robert John Mabbott)	Legal Examiner: Unassigned
)	
Application No. : 08/716,360)	Group Art Unit: PCT Legal Office
)	
Based on PCT/GB95/00601 (17.03.95))	
)	
US Filing Date: 17 September 1996)	
)	
For: TRANSFER MATERIALS)	

PETITION FOR EXTENSION OF TIME

Assistant Commissioner for Patents
Box PCT
Attn: International Division
Legal Staff
Washington, D.C. 20231

Sir:

The following extension of time is requested to respond to the *Decision on*
Petitions dated 4 FEB 1999:

- ☒ four months to 4 August 1999; the extension fee is \$680.00.
- ☐ The shortened statutory period has been reset by an Advisory Action dated .
- ☐ A check in the amount of \$___ is enclosed.
- ☒ Charge \$ 680.00 to Deposit Account No. 23-2415.

The Commissioner is hereby authorized to charge any fees that may be required by this paper, and to credit any overpayment, to Deposit Account No. 23-2415 (Our Docket No. 16286.702). A duplicate of this paper is enclosed.

Respectfully submitted,
WILSON SONSINI GOODRICH & ROSATI

By


Michael J. Murphy, Registration No. 37,404

650 Page Mill Road
Palo Alto, CA 94304-1050
(650) 493-9300

**COMBINED DECLARATION AND POWER OF ATTORNEY
FOR UTILITY PATENT APPLICATION**

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and

joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled TRANSFER MATERIALS,

the specification of which

— is attached hereto.

x was filed September 17, 1996 in the name of Robert John Mabbott as a U.S. National Phase Application of International Application No. PCT/GB95/00601 filed March 17, 1995, and assigned application serial number 08/716360, and was amended on September 17, 1996;

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a) which states in relevant part: "Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section....The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98.";

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate as indicated below and have also identified below any foreign application for patent or inventor's certificate on this invention having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)		Priority Claimed	
<u>9405374.1</u>	<u>GB</u>	<u>18 March 1994</u>	<u>X</u>
(Number)	(Country)	(Day/Month/Year Filed)	Yes No
<u>PCT/GB95/00601</u>	<u>GB</u>	<u>17 March 1995</u>	<u>X</u>
(Number)	(Country)	(Day/Month/Year Filed)	Yes No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States

Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulation, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.) (Filing Date) (patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith, and to file, prosecute and to transact all business in connection with international applications directed to said invention:

Stephen C. Durant	31,506
Paul Davis	29,294
Mark A. Haynes	0,846
Michael Hetherington	32,357
Charles D. Holland	35,196
Hark C. Chan	35,477
Charles C. Cary	36,764
Michael J. Panepucci	37,203
Michael J. Murphy	37,404
David J. Weitz	38,362
Kent R. Richardson	39,443

Address all correspondence to:

Michael J. Murphy
Wilson, Sonsini, Goodrich & Rosati
650 Page Mill Road
Palo Alto, CA 94304-1050

Direct all telephone calls to Michael J. Murphy at (415) 493-9300.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

First inventor: Robert John Mabbott
Inventor's signature: Omitted Inventor Completed On Added Pages
Date: _____
Citizenship: Great Britain
Last Known _____
Residence: 3 Lincoln Court, Tennyson Road, Bedford, Bedfordshire MK40 2UX,
Great Britain
Post Office Address: As above written.

The following Added Pages are included which form a part of this Declaration:

 x Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 CFR 1.47. Number of Pages added: 1 .

ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY
FOR SIGNATURE BY PERSON WITH SUFFICIENT PROPRIETARY INTEREST
ON BEHALF OF OMITTED INVENTOR(S) WHO REFUSE(S) TO SIGN OR
CANNOT BE REACHED (37 CFR 1.47(b))

I, ALAN BRIAN PORTER hereby declare that:

(type or print name of person (entity) with sufficient proprietary interest or authorized to act on behalf of such person (entity))

I. I am a citizen of Great Britain, residing at Whitethorn, Warden Road, Ickwell, Biggleswade, Bedfordshire SG18 9EL, England

II. I am a person with sufficient proprietary interest

 x am authorized by the following person or juristic entity with sufficient proprietary interest

(complete the following information, if applicable):

ISO DEVELOPMENTS, LTD.

Name of assignee or entity having sufficient proprietary interest

19A London Road, Sandy, Bedfordshire, SG19 1HA, England

Address of assignee or entity having sufficient proprietary interest

Director

Title of person executing this declaration and authorized to sign on behalf of assignee or entity having sufficient proprietary interest

III. By virtue of this proprietary interest I sign this declaration on behalf of and as agent for:

Full name of (first, second, etc.)

omitted inventor: Robert John Mabbott

who refuses to sign.

 x cannot be found or reached.

NOTE: The name of the omitted inventor(s) should preferably also be inserted at the appropriate prior space in the declaration adding the words "omitted inventor-completed on added page."

Great Britain

Country of citizenship of omitted inventor

3 Lincoln Court, Tennyson Road, Bedford, Bedfordshire, MK40 2UX, Great Britain

Last known address of omitted inventor

IV. Upon information and belief, I aver those facts which the inventor is required to state. 37 CFR 1.64(b).

V. Accompanying this declaration is:

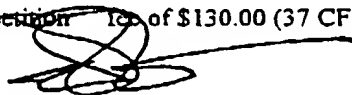
 A declaration of facts in support of filing on behalf of omitted inventor

 x A declaration by person signing on behalf of omitted inventor establishing proprietary interest

 A true copy of a DECLARATION OF FACTS IN SUPPORT OF FILING ON BEHALF OF OMITTED INVENTOR (37 CFR 1.45).

to establish the proof of pertinent facts and to show that such action is necessary to preserve the rights of the parties or to prevent irreparable damage, and

 x the petition fee of \$130.00 (37 CFR 1.17(h)).


Alan B. Porter (Director)

2. August 1999

(Signature of person with sufficient proprietary interest or authorized to act on behalf of such person or entity) Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Robert John Mabbott

For: Transfer Materials

the specification of which:

- ☒ was filed on September 17, 1996 as Application No. 08/716360 and was amended on September 17, 1996.
- ☒ was described and claimed in International Application No. PCT /GB95/00601 filed on March 17, 1995

**SUPPLEMENTARY DECLARATION OF FACTS IN SUPPORT OF FILING ON
BEHALF OF OMITTED INVENTOR (37 CFR 1.47)**

This declaration is made as to the exact facts which are relied upon to establish the diligent effort made to secure the execution of the declaration by the omitted inventor for the above identified patent application before deposit thereof in the U.S. Patent and Trademark Office.

- ☒ Since signing on behalf of the omitted inventor is by a person or entity showing a sufficient proprietary interest this declaration also recites facts as to why this action was necessary to preserve the rights of the parties or to prevent irreparable damage (if applicable).

This declaration is being made by the available person having first-hand knowledge of the facts recited therein.

Identification of Person Making this Declaration of Facts:

ALAN BRIAN PORTER

Name of declarant

Whitethorn, Warden Road, Ickwell, Biggleswade, Bedfordshire SG18 9EL, England

Address of declarant

1. I am the same ALAN BRIAN PORTER who made the Declaration dated 19 March 1997 filed in respect of this application. The following statement of facts and the accompanying exhibits are made and given from my own firsthand knowledge.
2. In August 1995 efforts were made to obtain the signature of Robert John Mabbott (hereinafter "Mabbott") to the prior application Serial No. 08/454334. He refused to sign that application (as has already been documented) and shortly afterwards left the company ISO Developments Ltd. ("ISO").
3. In November 1995 I learnt that Mabbott was believed to be living in Palma, Majorca, an island off the Spanish mainland. I instructed a Spanish lawyer Miss Silvia Rodriguez in Palma to try to find Mabbott. A copy of my letter to Miss Rodriguez dated 22 November 1995 is attached as Exhibit 1. My wish to establish his whereabouts at that time was because he owed me personally a substantial sum of money (£80,000). Attached as Exhibit 2 is a second letter dated 28 November 1995 to Miss Rodriguez.
4. In December 1995 I learnt that Mabbott was operating from an office in Palma. Exhibit 3 is a copy of a fax message to Miss Rodriguez dated 19.12.95 giving her details of this. However, Miss Rodriguez was not able to trace Mabbott at this address or elsewhere on the island. A private detective was employed, but had no success, as stated in Exhibit 5 below.
5. In January 1996 I consulted my UK lawyers, Balderston Warren, for advice as to how to show that I had taken all reasonable steps to trace Mabbott. A copy of their letter dated

19 January 1996 is attached as Exhibit 4.

6. On 1 February 1996 I spoke by telephone to Miss Rodriguez and sent her a letter, attached as Exhibit 5. This referred to the abortive efforts of the private detective over a period of 3 to 4 weeks. In this letter I instructed Miss Rodriguez to place an advertisement in the English language newspaper published in Majorca, as my UK solicitors had recommended.
7. Also as recommended by Balderston Warren I wrote to Mabbotts' parents in Bedford. A copy of my letter to them dated 1 February 1996 is attached as Exhibit 6. At the same time I wrote again to Mabbott himself at his last known UK address, namely 3 Lincoln Court, Tennyson Road, Bedford. A copy of this letter dated 1 February 1996 is attached as Exhibit 7. The letter was sent by "Recorded Delivery". Exhibit 8 is a copy of the envelope for that letter, franked 1 February 1996 and returned by the postal authorities on 14 February 1996 marked "not called for".
8. An advertisement was placed in a newspaper local to Mabbott's address in Bedford. Exhibit 9 is a copy of that advertisement in "Bedfordshire on Sunday" dated 4 February 1996. The message is in the first column.
9. An advertisement was also placed in one of the UK's national newspapers "The Daily Telegraph". A copy of the advertisement in the paper published on 3 February 1996 is attached as Exhibit 10. The message is in the "Personal" column.
10. Exhibit 11 is a copy of the fax transmission report to the Majorcan newspaper dated 1 February 1996 and the text of the advertisement.
11. The advertisement in "The Daily Telegraph" did produce one response, from a Mrs Elizabeth Dobbie, in Majorca. Exhibit 12 is a copy of her facsimile letter to me dated 5 February 1996. This has faded with time but gave an address for Mabbott's parents in Bedford.

Exhibit 13 is a copy of my reply to Mrs Dobbie dated 6 February 1996. In this letter I refer also to a telephone call from Mabbott's sister, Mrs Knight. Her son, in Germany, was understood to be seeing Mabbott that week and would pass on my message. Whether that meeting took place I know not. In any event I received no further communication from any of the parties involved.

12. By the end of February 1996 I had exhausted all the avenues available to me to contact Mabbott, and had followed through all the recommendations of my lawyers Balderston Warren.

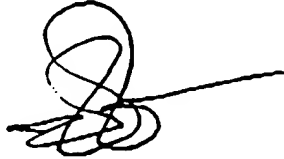
In September 1996 when it became necessary to enter the national phase of the International patent application PCT/GB95/00601 nothing had changed. I had received no further communication from any of my contacts. I had concluded that Mabbott had deliberately tried to "disappear", perhaps not surprisingly in view of the large sum of money owed to me, and that the members of his family were not able or willing to be co-operative. Believe me, if I had been able to trace him or had any idea as to his whereabouts I would have pursued him.

At a meeting on 5 September 1996 with my patent attorney Roger Thomson of W P Thompson & Co he explained to me the requirement that diligent efforts must be made to obtain the signature of the inventor to the application papers for the USA. I explained the circumstances to him and it was concluded that in view of the massive effort made to trace Mabbott just a few months earlier it would be inappropriate to go through all those procedures again, particularly in view of the fact that it was reasonable to draw the conclusion, from the facts, that Mabbott was taking positive measures not to be found.

* * *

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are

punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

A handwritten signature in black ink, consisting of a large, stylized 'S' or 'B' shape with a long horizontal stroke extending to the right.

Signature of Declarant

3 August 1999

Date

**This is Exhibit 1 referred to
in the accompanying Declaration of
Alan Brian Porter dated 3 August 1999**

Masterprint

19 London Road Sandy Beds SG19 1HA
Tel: 01767 683829 Fax: 01767 683930

BY FAX: 22nd November 1995

TO: Miss Silvia Rodriguez - 0034 71 200050

FROM: Alan Porter

206250

Total Pages: 15

Dear Miss Rodriguez

Robert John Mabbott

I refer to my telephone call to you at about 10.15am (UK) time on Monday 20th November. I write as promised with the details of our problem so that you understand what the situation is and what we want to do. Perhaps you can advise upon the help that you can offer and the projected cost.

1. Mr Mabbott, a UK National, is presently living in Palma at a temporary address not known to me. However he is working with Mr John Bloom, another UK National I believe, whos address is Paseo Maritimo 37, Piso 11H, 07014 Palma de Mallorca. Mr Bloom's phone/fax number is (00 34 71) 736319.
2. Mr Mabbott was a Director of our company until early this year. He left us and eventually became involved with Mr Bloom in Palma. He has been based in Palma for three to four months I believe, although visiting various areas abroad on occasions, so I also believe.
3. Mr Mabbott had a UK address which was 3 Lincoln Court, Tennyson Road, Bedford MK40 3UX. He may still occupy this apartment but our efforts to reach him by letter, phone and/or visit have not been successful.
4. Mr Mabbott has borrowed from me personally a large sum of money which, with interest being added, now amounts to just over £80,000. This loan is repayable to me "on demand" and, if not paid, I am able to take over his shares in our company. (I attach a copy of this agreement that proves this situation). - DOCUMENT B.
5. In order to demand repayment, I have to serve a Demand Notice upon Mr Mabbott. In order to so do, I need to find Mr Mabbott to give him the Demand Notice. As I cannot find him in the UK (despite considerable effort), I have to appoint representatives in Palma to act for me - to find him and to serve the Demand Notice. (I attach a copy of the Demand Notice for your information). - DOCUMENT C.
6. When Mr Mabbott receives the Demand Notice, he has to pay the amount owed "on demand" - ie: immediately. If he does not, then I am able to take over ownership of his shares in our company. You will see that, in the Demand Notice, I have allowed him two hours to pay following delivery of the Notice to him. This gives him time to go to the bank and draw the money, then paying this to me (or my representative). If he does not pay within the two hours provided, I am then able to take over the shares.

Shortrun Print Systems

Fax to Miss S Rodriguez

22nd November 1995

7. It is important that Mr Mabbott (and Mr Bloom) remain unaware of our efforts to find them. If they realise what we are trying to do, Mr Mabbott will disappear once more. I regret that it is therefore important for your staff or private detective to approach Mr Mabbott without warning and to deliver the documents at that time. This may involve waiting for him to appear. Naturally should I obtain information as to where he is (in Palma or abroad) I will advise you. It is obviously important for Mr Mabbott to be given the documents personally rather than simply leaving them at an address or with a person who promises to pass them on.

8. The help that I seek of you is therefore as follows:

a) That you act as my representative in Palma on this matter.

b) That you, or a private detective, finds Mr Mabbott and serves on him the documents involved.

c) Once the documents are served upon him, he should be allowed up to two hours to obtain the money and pay it to you. The payment must be in cash or by way of Bankers Draft - in other words in some form that cannot be interfered with or cancelled such as a cheque (which can be cancelled before it is cleared through the bank). There may be other methods of payment available in Palma in which case you can require payment in whatever other form is possible. It is vital however that whatever form of payment is used, it is impossible to cancel it or vary it once it is paid to you. The money should be payable to me personally (Alan B Porter) unless there are reasons why it should be paid to you, with you then paying it on to me.

d) To be honest, I do not believe that Mr Mabbott will be able to pay at all, and almost certainly not within two hours of the Demand Notice being served. I am therefore expecting to take over his shares. It is the shareholding that is important. It is for this reason that I am keeping the time available for finding the money to a short period (two hours). The longer the time available to him, the more opportunity he has of obtaining the money - and that is not my preferred solution.

9. There will be a second envelope to hand over to Mr Mabbott. This contains a letter to him advising and requesting him to avoid action or work which is forbidden under his Employment Agreement with us. I also enclose a copy of this document for your information. No reply is required from him to this particular letter. However it needs to be given to him at the same time as the Demand Notice for the loan repayment.

Can you please advise:

a) Are you able to assist and to make the required arrangements?

b) Can you estimate the charges involved?

c) Are you content with the information given above and contained within the documents attached?

d) Is there any further action or procedure that you advise to reflect the requirements of Spanish law?

* Document - D.

Fax to Miss S Rodriguez

22nd November 1995

If you can help, I will send by post the originals of the documents and a photograph of Mr Mabbott. This is a large full-colour portrait photograph which will certainly be helpful in identification.

I am sure that you will maintain all confidentiality on this matter, but no doubt you will confirm.

One further point - we shall require a signed statement from whoever serves the documents upon Mr Mabbott confirming the date and time when the documents were given to him. This will be valuable in the event that Mr Mabbott later questions or objects to the procedures acted upon.

Thank you in anticipation of your assistance. We have a small but growing business in Palma with some Majorcan colleagues and this may well spread to mainland Spain. Accordingly we would obviously be interested in working with you at a later date should we need Spanish lawyers to assist us.

I look forward to hearing from you by telephone or fax. Our telephone and fax numbers are at the head of this letter for your information.

Yours sincerely



Alan Porter

Also enclosed is a draft copy of a possible receipt for Mr. Mabbott if he pays the money. - Document A.

**This is Exhibit 2 referred to
in the accompanying Declaration of
Alan Brian Porter dated 3 August 1999**

Masterprint

The Studio, 19 London Road Sandy Beds SG19 1HA
Tel: 01767 683829 Fax: 01767 683930

28th November 1995

Miss Sylvia Rodriguez
Melia & Cap Ila
Francesc Rover 1
07003 Palma de Mallorca
Balearic Islands
Spain

Dear Miss Rodriguez

Mr Robert Mabbott

Thank you for your telephone call on the 27th November.

I enclose original documents for your use in connection with this matter as promised. These comprise:

- a) A letter on my private notepaper (Whitethorn, Warden Road, Ickwell) being the demand for payment of the outstanding sum.
- b) A copy of the Memorandum of Deposit of Shares being the legal document evidencing the loan, together with an updated summary of the amount due (the sum has increased by just over £500 from that advised earlier as we are now in a position to add the interest accruing during the month of November).
- c) A letter on my company's letterhead (Masterprint in Sandy) which relates to the Service Agreement and our concerns that Mr Mabbott has been in breach of the terms of this agreement. The letter also requires him to return to us a computer and various other items of equipment or to pay for them in the sum agreed (£2,350).
- d) A draft receipt to be passed to Mr Mabbott in the event that he fully discharges his debt to me. I would suggest that this is retyped by your office onto a letterhead relating either to your firm or to that of the private detective who you are to authorise to receive the money on my behalf. You may choose to ensure that the money is paid direct to yourselves at your offices if you so wish - I obviously leave this entirely to you.

I would be most grateful if you would be kind enough to keep me informed as to how matters are progressing and, in particular, the exact date and time at which Mr Mabbott is given these documents. I would also seek and request from you (or your private detective) a signed statement confirming the exact date and time when Mr Mabbott receives these letters and documents. This is important evidence from my point of view should any queries arise regarding my actions and the procedures that we have adopted to bring this matter to conclusion.

I also confirm that a sum of 175,000 pesetas has been paid into your bank in accordance with the information contained in your fax of the 27th November this year.

Thank you in anticipation of your help. I look forward to hearing from you in the near future.

Yours sincerely

Alan Porter

Shortrun Print Systems

**This is Exhibit 3 referred to
in the accompanying Declaration of
Alan Brian Porter dated 3 August 1999**

MASTERPRINT

ISO Developments Limited, The Studio, 19 London Road, Sandy, Beds SG19 1HA
Tel: 01767 683829 : Fax: 01767 683930

FAX MESSAGE

TO: SYLVIA RODRIGUEZ

COMPANY: MELIA A CAPELLA

FAX NO: CG34 71 206250 DATE: 19-12-95

FROM: ALAN PORTER

No. of pages (inclusive front sheet): 1

MESSAGE:

Dear Miss Rodriguez

Thank you for your telephone call of this morning.

- a) Colour Photo of Mr Mabbett sent by post today. My Secretary and I both believe that one was sent earlier. However, it obviously did not arrive.
- b) Have discovered that Mr. Mabbett has an office in Palma now. The office is called "Image 2000". The address is believed to be

C/UNION, 2-B, 1º
Palma de Mallorca

(Tel: 71-73 63 19)

With best wishes for Christmas and New Year.

Alan Porter

**This is Exhibit 4 referred to
in the accompanying Declaration of
Alan Brian Porter dated 3 August 1999**

BALDERSTON WARREN
S O L I C I T O R S

Tel: 01462 482248

Your Ref:

Our Ref:
SGJO KA Porter

PRIVATE & CONFIDENTIAL

A B Porter Esq
I.S.O. Developments Limited
19 London Road
SANDY SG19 1HA

19 January 1996

Dear Alan

Bob Mabbott

I refer to our meeting yesterday.

As discussed, I set out in this letter the steps which I believe you should take in order to show that all reasonable steps have been taken to track down Bob in order to serve your Demand upon him.

In the first instance, I think it is probably wise for you to send a general letter to his last known home address, stating in the letter that there are matters of mutual interest which you need to discuss with him with regard to I.S.O. Developments Limited, setting out a date by which he should contact you. At the same time, you should send a copy of that letter in a sealed envelope, together with a letter addressed to his parents, asking that they forward the envelope on, again stating that it is to discuss matters of mutual interest in relation to I.S.O. Developments Limited.

A notice should be placed in a paper circulating in Mallorca, where you believe he may spend some of his time, and also in the UK, again requesting him to contact you by a certain date and requesting anybody knowing of his whereabouts to ask him to contact you.

If and when you are contacted, you should then make your demand either verbally on the telephone, if possible in front of witnesses and recorded, or preferably in writing by fax or letter, stating that you are making demand upon him for the payment of moneys due to you plus interest and any costs which you might have incurred, stating the time by which the money is to be received. You should also state in a letter that time is of the essence.

continued

If, in the unlikely event of Bob being in funds, the moneys are received by you or your bank after the time specified, then either you should return the same to him or you should instruct your bank to return the same.

I believe that if Bob has not contacted you by the time set down in the letters and notices, it would be perfectly in order for you to serve a Demand upon him at his last known address and, following no response, to transfer the shares into your name.

Since our meeting yesterday, one further thought occurred to me. As well as putting an advert in the national newspapers in the UK, I think it would also be a wise precaution to place a similar notice in a local paper circulating in the Bedford area, possibly one of the free newspapers that seem to proliferate these days.

If I can be of any further assistance, please do not hesitate to contact me.

Regards

Yours sincerely

A handwritten signature in black ink, appearing to be 'Stephen Oscroft', written in a cursive style.

Stephen Oscroft

**This is Exhibit 5 referred to
in the accompanying Declaration of
Alan Brian Porter dated 3 August 1999**

Masterprint

The Studio, 19 London Road Sandy Beds SG19 1HA
Tel: 01767 683829 Fax: 01767 683930

BY FAX: 1st February 1996
TO: Miss Sylvia Rodriguez - Melia & Capella - 0034 71 206250
FROM: Alan Porter

Dear Miss Rodriguez

I refer to our telephone conversation this morning (1st February 1996). I am grateful of your telephone call, particularly when you are ill.

As discussed, I confirm that I have spoken to my UK Solicitors once more in view of the continuing difficulty that your private detective has had in trying to find Mr Mabbott.

It has been decided that we simply cannot let matters continue bearing in mind that the private detective has been looking for him for some three to four weeks in Palma but with no success. It seems quite possible that he will not achieve success in the foreseeable future. Accordingly we now move to another method of bringing this matter to conclusion. I am placing advertisements in the local and national papers in the UK requesting Mr Mabbott to contact me as a matter of urgency before mid-day on Friday 9th February 1996. I am also writing to him at his home address and sending a copy of that letter to his parents' address asking them to contact him as soon as possible so that he contacts me by the date and time suggested.

I would be grateful if you would please place the enclosed advertisement in the English language newspaper that you mentioned with a publication date as soon as possible and I understand that you will carry through this task.

If Mr Mabbott does not contact me through the advertisements or letters that I have written, and coupling this to the earlier efforts that we have made to try and find him, we will then have done everything that we possibly could to bring this matter to conclusion by way of trying to contact him. My Solicitors advise that, once we have reached this position, I am at liberty to transfer Mr Mabbott's shares to my own name as provided for within the agreement.

If Mr Mabbott contacts me, I will advise him of the situation and serve upon him the demand for immediate repayment. It is my intention to ask him to pay the money to you by way of "cleared funds" and that this payment should reach you by a particular time and date of which I will advise you as and when I have spoken to Mr Mabbott. I understand that you have arrangements in Spain whereby such payment can be made to you without any danger of the payment being "stopped" (you will appreciate that a cheque on a normal bank account can be issued to you but stopped by Mr Mabbott at his bank and this is a situation that we must avoid). I understand that you are agreeable to this procedure.

Fax to Miss Sylvia Rodriguez

1st February 1996

Accordingly, please be kind enough to place the enclosed advertisement in the paper that you suggest as soon as possible. Also please advise me by fax of the details that I need to pass to Mr Mabbott to ensure that the right procedures are followed. I presume that there is a Spanish name for the correct procedure and documentation that he should complete and it would be helpful to know this from you so that I may advise him as to exactly what is required. I will advise him to make such payment to your firm (the payment papers being made payable to your firm of Melia & Capella). I will indicate to him that the office at which such payments should be delivered is as follows:

Melia & Capella
Advocats
Francesco Rover 1
07003 Palma

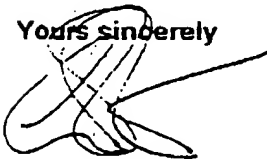
Please be kind enough to confirm that this is the correct address and in the shape and form to allow him to find your office.

The sum involved will be somewhere between £82,000 and £82,500 Sterling which will appear to currently convert to something just over 15 million pesetas. You will notice that the amount in Sterling is rather higher than was earlier indicated to you - this is because interest has now been added for the month of January and I have also added a notional amount to represent the extra costs involved in trying to find him - this being provided for and allowed under the terms of the agreement that I have with him. In order to finalise the exact figure, it would be helpful to know from you as a matter of urgency as to the actual level of costs that have been incurred to date. I have already paid you some 175,000 pesetas (approximately £875 Sterling) as a working provision. I would hope that your own costs are well covered by this amount and that the sum that you hold may also cover (or at least make a contribution towards) the cost of the private detective. In addition to the costs that have been incurred by your goodself and your private detective, there is obviously the cost of the advertisement that you are about to place. Some accurate forecast of my total costs as far as you and your side of the operation are concerned would obviously be more than helpful so that I can add this to the amount claimed against Mr Mabbott.

In conclusion, may I also ask you to confirm the hours over which your office is open so that I may again confirm this to Mr Mabbott. Can you also please confirm that, in the event that payment is offered to you after the date and time that I will specify, it will be refused. Also that if only part payment is made, this is also refused.

I look forward to hearing from you as soon as possible (on Monday 5th February would be most convenient if you are able to react quickly). I hope that you are now back in good health and looking forward to the Spring.

Yours sincerely



Alan Porter

**This is Exhibit 6 referred to
in the accompanying Declaration of
Alan Brian Porter dated 3 August 1999**

Masterprint

The Studio, 19 London Road Sandy Beds SG19 1HA

Tel: 01767 683829 Fax: 01767 683930

1st February 1996

Mr & Mrs B Mabbott
10 Corby Close
Bedford
MK42 9UU

Dear Mr & Mrs Mabbott

I have made considerable efforts to reach Bob but with no success. There are urgent matters about which I need to contact him.

Please be kind enough to forward the enclosed letter to him as a matter of extreme urgency if you are aware of his whereabouts. Alternatively, if you are able to confirm an address or phone number or fax number where he may be reached, please advise me at my office as soon as possible. In any event, it is necessary for me to contact him by mid-day on Friday 9th February 1996. Due to the urgency, if it is quicker for you to contact him by telephone and advise him of my request (reading to him the enclosed letter if you so wish) I naturally have no objection.

Thank you in anticipation of your assistance.

Yours sincerely

Alan Porter

Shortrun Print Systems

**This is Exhibit 7 referred to
in the accompanying Declaration of
Alan Brian Porter dated 3 August 1999**

Masterprint

The Studio, 19 London Road Sandy Beds SG19 1HA
Tel: 01767 683829 Fax: 01767 683930



1st February 1996

R J Mabbott Esq
3 Lincoln Court
Tennyson Road
Bedford
MK40 3UX

Dear Bob

I have made extensive efforts to contact you to discuss urgent private matters of mutual interest. Unfortunately I have had no success.

Please phone me (01767 683829) or fax (01767 683930) at the office before mid-day on Friday 9th February 1996. If I am not available, please leave a phone and fax number to which I may respond so that I am able to contact you before mid-day on Friday 9th February 1996.

For confidentiality purposes, I think you would find it helpful to ensure that you are by the fax or phone at the time of my contact so please indicate a time at which you will be in attendance of either telephone or fax.

Yours sincerely

Alan Porter

Copy: Mr & Mrs B Mabbott, 10 Corby Close, Bedford MK42 9UU

Shortrun Print Systems

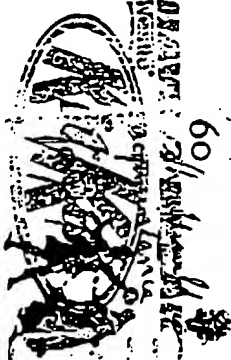
I.S.O. Developments Ltd. Registered Office: As Above

Registered No. 2824461

**This is Exhibit 8 referred to
in the accompanying Declaration of
Alan Brian Porter dated 3 August 1999**

Royal Mail

Recorded



Royal Mail

Undelivered for reason stated - return to sender

Done away	<input type="checkbox"/>	Not known at No	<input type="checkbox"/>
Not addressed	<input type="checkbox"/>	Incomplete address	<input type="checkbox"/>
Refused	<input type="checkbox"/>	Not called for	<input type="checkbox"/>
No answer	<input type="checkbox"/>	Decayed	<input type="checkbox"/>
No such street/place in	<input type="checkbox"/>		

Date 14/2/96 Initials RS

Badge No. _____

P 3000

~~RS Mahboob Esq
3 Becoln Court
Tenny Road
Bedford
MK40 3UX~~

~~DNB~~



Downloaded by [University of California, San Diego] on [05/06/16]. See the Terms and Conditions (http://onlinelibrary.wiley.com/terms-and-conditions) on Wiley Online Library for rules of use; OA articles are governed by the applicable Creative Commons License



0735200736

Seigrida Parikada

**This is Exhibit 9 referred to
in the accompanying Declaration of
Alan Brian Porter dated 3 August 1999**

**This is Exhibit 10 referred to
in the accompanying Declaration of
Alan Brian Porter dated 3 August 1999**

**This is Exhibit 11 referred to
in the accompanying Declaration of
Alan Brian Porter dated 3 August 1999**

TRANSMISSION REPORT

02.01.1996 14:25
MASTERPRINT

DATE	TIME	DURATION	SENTE ID	MODE	PAGES	RESULT
02.01	14:24	00'41"	34 71 736319	63	1	O.K.

Fast to English Language
Majora New paper

M E S S A G E

ROBERT J MABBOTT

Robert J Mabbott recently of 3 Lincoln Court, Tennyson Road, Bedford MK40 3UX UK. Please contact Alan Porter at office in UK - 01767 683829 or by fax - 01767 683930 with reply number regarding urgent personal matters before 12.00 noon on Friday 9th February 1996.

Anyone knowing Mr Mabbott please pass this urgent message.

**This is Exhibit 12 referred to
in the accompanying Declaration of
Alan Brian Porter dated 3 August 1999**

Bandall 10
Bafu

Virgen de la Bonanova 26
Genova, 07015,
Palma de Mallorca. SPAIN

PRIVATE & CONFIDENTIAL

Attention of Mr. Alan Porter
Fax No. 01767 683930

Telephone 34 71 405566
Fax 34 71 405269

February 5 1996

Dear Mr. Porter,

I refer to your announcement in the Daily Telegraph of February 3 re R.J. Mabbott.

You spoke with my husband some weeks ago and we now have an address for him in Bedford which I believe is that of his parents:

10 Corby Close, Mile Road, Bedford, MK42 9LU
Tel 01234 266262

I have spoken to his parents and their own telephone number is 01234 328102. This I obtained through your directory enquiries.

I hope this gives me of some help to you.

Yours sincerely,

Paula Mabbott

1996 FEB 05 11:00

**This is Exhibit 13 referred to
in the accompanying Declaration of
Alan Brian Porter dated 3 August 1999**

MASTERPRINT

ISO Developments Limited, The Studio, 19 London Road, Sandy, Beds SG19 1HA
Tel: 01767 683829 : Fax: 01767 683930

FAX MESSAGE

TO: Mrs Elizabeth Dobbie

COMPANY: —

FAX NO: 00 34 - 71 405269 DATE: 6.2.96

FROM: Alan Porter

No. of pages (inclusive front sheet): 1

MESSAGE:

Dear Mrs Dobbie:

Thanking you for your fax of yesterday. I have already canvassed Mabbott's parents on the address that you gave. I had a phone call from a Mrs Knight who is apparently Mabbott's sister. I told her very little, but she advised that Mabbott is all over the place and she has no address (don't think I believe she has no address!). She tells me that Mabbott phones in every so often, which is the only contact the family has.

Her son is in Germany, so likely to see Mabbott this week and will pass my message. We shall await events!

The phone number you offered as Mabbott's number (01234-328102) is actually a Mr H. R. E. Mabbott - and no relation I'm afraid.

Many thanks however. I will keep you advised of progress.

Received Time Aug. 3. 7:07AM

Yours sincerely *Alan Porter*